

# PATENT COOPERATION TREATY

LMB

Pay fees March 27, 2008  
AB

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

INVITATION TO PAY ADDITIONAL FEES

(PCT Article 17(3)(a) and Rule 40.1)

EINSCHREIBEN

To:

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SCR

09015.0179US01 ✓  
Atty IDS US/PTA: March 28, 2008  
Atty IDS Due US: May 27, 2008

Date of mailing  
(day/month/year)

27/02/2008

Applicant's or agent's file reference

9015.179WO01 ✓

PAYMENT DUE

within **ONE MONTH** from  
the above date of mailing

International application No.

PCT/US2007/017133

International filing date  
(day/month/year)

31/07/2007

Applicant

SMITHS MEDICAL MD, INC.

## 1. This International Searching Authority

- (i) considers that there are 2 (number of) inventions claimed in the international application covered by the claims indicated ~~below~~ on the extra sheet:

and it considers that the international application does not comply with the requirements of unity of invention (Rules 13.1, 13.2 and 13.3) for the reasons indicated ~~below~~ on the extra sheet:

- (ii) ☒ has carried out a partial international search (see Annex) ☐ will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:  
see annex

- (iii) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid

## 2. The applicant is hereby invited, within the time limit indicated above, to pay the amount indicated below:

EUR 1.615,00 x 1 = EUR 1.615  
Fee per additional invention number of additional inventions total amount of additional fees

Or, \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

The applicant is informed that, according to Rule 40.2(c), the payment of any additional fee may be made under protest, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive.

3. ☐ Claim(s) Nos. \_\_\_\_\_ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority



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Authorized officer

Katrin Sommermeyer

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-4, 6-9, 10-16, 18

The first invention relates to the modification of a patient specific protocol for the programming of a medical infusion pump, by providing a user interface configured to allow user adjustments of the patient specific pump parameters.

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2. claims: 1, 5, 17, 19-20

The second invention relates to executability of a patient specific protocol on a medical infusion pump, by formatting the patient specific protocol to correspond to the format understood by the medical infusion pump.

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The application appears to lack unity within the meaning of Rule 13.1 PCT, since it does not relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. The application contains the two separate inventions defined above. These two inventions try to solve two different, independent problems and the only common general concept linking them together is the subject-matter of claims 1 and 10. However, this common concept is not novel and not inventive, see the documents cited in the search report and the accompanying opinion, thus the requirement for unity of invention referred to in Rule 13.1 PCT is not fulfilled.

Independent claims 1 and 10, and the dependent claims 2-4, 6-9, 11-16 and 18, constituting the invention first mentioned in the claims, and representing the main invention of the application, have thus been searched.

**Annex to Form PCT/ISA/206  
COMMUNICATION RELATING TO THE RESULTS  
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No  
**PCT/US2007/017133**

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
- see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96/20745 A (ABBOTT LAB [US]) 11 July 1996 (1996-07-11) the whole document -----	1-4, 6-16, 18
X	US 2003/163088 A1 (BLOMQUIST MICHAEL L [US]) 28 August 2003 (2003-08-28) abstract, summary, paragraphs 28, 118-123, 125-129, 225, 228, Figures 12, 13. -----	1-4, 6-16, 18
X	US 5 935 099 A (PETERSON THOMAS L [US] ET AL) 10 August 1999 (1999-08-10) col. 21 l. 41-45 -----	1-4, 6-16, 18
X	GB 2 312 055 A (BAXTER INT [US]) 15 October 1997 (1997-10-15) abstract, summary, in particular claims 1-18, and page 9 l. 15 - p. 11 l. 4. -----	1-4, 6-16, 18
X	WO 2005/056083 A (SMITHS MEDICAL MD INC [US]; BLOMQUIST MICHAEL L [US]) 23 June 2005 (2005-06-23) figures 1, 3, abstract, summary, and in particular p. 4 l. 19 - p. 5 l. 27. -----	1-4, 6-16, 18
A	WO 2006/073400 A (ADVANCED MEDICAL OPTICS INC [US]; CLAUS MICHAEL J [US]) 13 July 2006 (2006-07-13) abstract, summary, Figures 3 and 5, paragraphs 25, 27, 28 -----	4, 13



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

\* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*G\* document member of the same patent family

# Patent Family Annex

Information on patent family members

International Application No

PCT/US2007/017133

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9620745	A	11-07-1996	AT 333910 T	15-08-2006
			AU 707041 B2	01-07-1999
			AU 4655996 A	24-07-1996
			DE 69636383 T2	16-08-2007
			EP 0801578 A1	22-10-1997
			ES 2268699 T3	16-03-2007
			JP 11501529 T	09-02-1999
			US 5685844 A	11-11-1997
US 2003163088	A1	28-08-2003	NONE	
US 5935099	A	10-08-1999	NONE	
GB 2312055	A	15-10-1997	AU 713132 B2	25-11-1999
			AU 1708097 A	29-10-1997
			CA 2223897 A1	16-10-1997
			DE 69720637 D1	15-05-2003
			DE 69720637 T2	22-01-2004
			DE 69725617 D1	20-11-2003
			DE 69725617 T2	15-04-2004
			DK 837708 T3	21-07-2003
			DK 0985421 T3	01-12-2003
			EP 0837708 A1	29-04-1998
			HK 1023955 A1	12-01-2001
			HK 1028211 A1	11-05-2001
			HK 1002353 A1	31-08-2001
			JP 11507860 T	13-07-1999
			JP 2004000775 A	08-01-2004
			JP 2007075649 A	29-03-2007
			NZ 329319 A	29-07-1999
			SG 79298 A1	20-03-2001
			SG 91851 A1	15-10-2002
			SG 82049 A1	24-07-2001
			WO 9737704 A1	16-10-1997
			US 5782805 A	21-07-1998
WO 2005056083	A	23-06-2005	AU 2004296794 A1	23-06-2005
			CA 2548256 A1	23-06-2005
			EP 1704505 A2	27-09-2006
			JP 2007512916 T	24-05-2007
WO 2006073400	A	13-07-2006	AU 2005323538 A1	13-07-2006
			CA 2593227 A1	13-07-2006
			EP 1833438 A1	19-09-2007

## Important Information

### General

- The **claims cannot be changed** at this point in the procedure, the transmitted report is **not** the international search report (see Art. 19 PCT).
- Any payment has to be made **directly** to this ISA, payments to other entities will not be accepted.
- In case of a **total of more than 2 inventions** found: when paying please **specify exactly** which claims should be searched.
- An **extension** of the set **time limit** cannot be granted.

### Payment by cheque (not accepted as of 01/04/2008):

- The **date to be considered as the date on which the payment is made** is the **date of receipt of the cheque at the EPO**, provided that the cheque is **met**.
- Copies of cheques sent by fax or by post are not considered to be a valid payment.
- The fees shall be paid in euro, no equivalents in other currencies.
- No payments by cheque shall be accepted as of 01/04/2008 (date of receipt at the EPO).

### Payment or transfer to a bank account:

- The **date to be considered as the date on which the payment is made** is the date on which the amount of the payment or the transfer is **actually entered** in a bank account or Giro account held by the EPO.
- The fees shall be paid in euros, no equivalents in other currencies, all charges to be carried by the applicant
- For a list of accounts held by the EPO please see [http://www.european-patent-office.org/epo/new/bank\\_euro.pdf](http://www.european-patent-office.org/epo/new/bank_euro.pdf)

### Payment by deposit account with the EPO:

- The **date to be considered as the date on which the payment is made** is the date that the **authorisation** to deduct fees from the deposit account is **received at the EPO**.

***Note:** If you don't have a deposit account with the EPO yourself you might want to consider using the account of an associate as a safe and quick way of paying.*

### Payment by credit card:

- Payments by **credit card** are **not possible**.

### Payments under protest according to Rule 40 PCT:

- The protest will **not be accepted without a payment** of additional fees.
- The protest has to be **accompanied by a technical reasoning**.

## Important information

Rule 40 PCT has been amended as of 1 April 2005. For general information on the protest procedure at ISA/EP, please refer to OJ EPO 3/2005, pages 226/227.

1. As in the past the payment of any additional fee may be made under protest i.e. accompanied by a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fees is excessive according to amended Rule 40.2(c) PCT.
2. After due receipt of the payment of the additional search fee(s) under protest (i.e. within one month from the date of the invitation), the EPO will, prior to examination of the protest by the Board of Appeal, subject the invitation to pay additional fees to an internal review. The result of this review will be communicated to the applicant.
3. The fee for examination of the protest (Rule 40.2(e) PCT) is payable within one month from the date of the invitation to pay additional fees (Rule 40.1(iii) PCT). However, in order to allow the applicant to consider the result of the internal review, the applicant may pay the protest fee within one month from the date of notification of the result of the review.
4. Should the applicant wish to maintain his protest in light of the review he must pay the protest fee within one month from the date of notification of the result of the internal review, in which case the protest will be referred to the Board of Appeal. Should the Board of Appeal find that the protest was entirely justified, the protest fee shall be refunded.
5. In the event of the applicant already having paid the protest fee before notification of the result of the review, the protest will be referred to the Board of Appeal **unless** the result of the internal review was that the protest was **entirely** justified **or** the applicant indicates within one month from the date of notification of the result of the review that he does not wish to continue the protest. In both cases, the protest fee will be refunded.

## **European Patent Organisation**

### **Account details**

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